

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20675 of 2004

Between:

P. Raja Reddy, S/o. Thimmaiah, Hindu,
Beerepalli Village, Hindupur Mandal, Ananthapur District.

..... PETITIONER

AND

- 1 The Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Penukonda, Anantapur District.
- 3 The Mandal Revenue Officer, Hindupur Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction in the nature of Mandamus, declaring the action of the 1st respondent herein in rejecting the stay application, pending the appeal filed before him against the orders of the Revenue Divisional Officer, Penukonda, dated 31-8-2004 bearing Rc.No.1613/04 as being illegal, arbitrary and violative of Article 14 of the Constitution of India;

Counsel for the Petitioner: MR.A.PRABHAKAR SARMA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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Aggrieved by the order of cancellation of his authorisation, the petitioner has preferred an appeal before the 1st respondent-Joint Collector, Ananthapur. The petitioner states that the 1st respondent having entertained the Appeal, rejected the application for stay. Though a copy of the said order is not placed before this Court, the learned Counsel for the petitioner vehemently contends that all the allegations made against the petitioner are false and baseless and the order of cancellation which was passed without even affording an opportunity of personal hearing is ex facie arbitrary and illegal and therefore the 1st respondent is not justified in refusing to grant stay pending the Statutory Appeal. Since the statutory appeal is pending, I am not inclined to express any opinion with regard to the validity of the order of cancellation. Even the order impugned being only an interim order, the interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not warranted.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent, to dispose of the appeal pending on his file as expeditiously as possible, preferably, within a period of two weeks from the date of

receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

10-11-2004

Note: Issue C.C in two days.

B/o.

vs

To

- 1 The Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Penukonda, Anantapur District.
- 3 The Mandal Revenue Officer, Hindupur Mandal, Anantapur District.

4 2CCs to The Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (O.U.T)

5 2CD copies.